

Bureau of Health Care Quality and Compliance

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: NVS5311PCA	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED 03/16/2011
NAME OF PROVIDER OR SUPPLIER HIGH CLASS PERSONAL CARE LLC			STREET ADDRESS, CITY, STATE, ZIP CODE 5000 W OAKEY STE E-1 LAS VEGAS, NV 89146		
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE	
P 000	<p>Initial Comments</p> <p>This findings and conclusions of any investigation by the Health Division shall not be construed as prohibiting any criminal or civil investigations, actions or other claims for relief that may be available to any party under applicable federal, state or local laws.</p> <p>This Statement of Deficiencies was generated as a result of the Focused State Relicensure survey conducted in your agency on 2/22/11 - 3/16/11. The Focused State Relicensure survey was conducted at your agency by authority of Chapter 449, Personal Care Agencies.</p> <p>The patient census was 204 Ten client records were reviewed. One client home visit was conducted. Five client telephone interviews were conducted. Thirteen employee files were reviewed.</p> <p>The following regulatory deficiencies were identified:</p>	P 000			
P 020	<p>Section 12 Criminal Background</p> <p>Sec. 12. 1. In addition to the requirements set forth in NAC 449.011, each applicant for a license to operate an agency shall submit to the Central Repository for Nevada Records of Criminal History two complete sets of fingerprints for submission to the Federal Bureau of Investigation for its report.</p> <p>2. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.188 and immediately inform the administrator of the agency, if any, and the Health Division of whether the applicant has been</p>	P 020			

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TITLE

(X6) DATE

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

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P 020	Continued From page 1 convicted of such a crime. This STANDARD is not met as evidenced by: Review of employee records revealed that 3 of 13 records did not contain a copy of the fingerprints submitted for background checks. (Employee #1, #12 and #13) Severity: 2 Scope: 2	P 020			
P 080	Section 14.1(4) Administrator Responsibility Abuse/Neglect 4. The administrator of an agency shall ensure that: (a) The clients of the agency are not abused, neglected or exploited by an attendant or another member of the staff of the agency, or by any person who is visiting the client when an attendant or another member of the staff of the agency is present; and (b) Suspected cases of abuse, neglect or exploitation of a client are reported in the manner prescribed in NRS 200.5093 and 632.472. This STANDARD is not met as evidenced by: Based on staff interview concerning Serious Occurrence Reports (SOR), review of those documents and review of client records, 2 of 10 client records reviewed revealed the agency failed to document the occurrences and report abuse to the proper authorities in accordance with the requirements in the NRS 200.5093 and 632.472. (Clients #9 and 10) A random review of SORs filed with Medicaid	P 080			

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P 080	<p>Continued From page 2</p> <p>revealed two reports of physical abuse. Clients # 9 and 10 were allegedly abused by their parent.</p> <p>In an interview with Employee #2, she stated, "The SORs were based on a verbal report to Employee # 6 on 6/18/10 in a phone call by the assigned caregiver, Employee #10, as the witness of abuse.</p> <p>Client # 9, a 15 year old female, diagnosed with autism and mental retardation. At the time of the incident she was living with her sibling, Client #10, in a home with their mother. Clients #9 and #10 were provided care by Employee #10.</p> <p>An SOR report of physical abuse by a family member was sent to Medicaid on 6/25/10. It stated that a report had been made to Child Protective Services (CPS). The reference number #1498424 was documented. The date that it was reported was not given. The file date obtained from CPS by this surveyor was 6/22/10.</p> <p>The client's file was reviewed. The file contained no evidence of the reported abuse, an incident report or documentation of follow up as required by the agency's policy.</p> <p>The home visit document dated 1-25-10 contained no reported problems.</p> <p>Client #10, an 18 year old male with a diagnosis of autism and mental retardation.</p> <p>An SOR report alleging physical abuse by a family member was sent to Medicaid on 6/25/10. It stated that a report had been made to CPS. The file number referenced on the report was the same as documented for Client # 9. No file date was given.</p>	P 080			

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P 080	<p>Continued From page 3</p> <p>The call to CPS revealed that the report, reference #1498424, had been filed on 6/22/11 for client # 9 only. Client #10 was not included in the report as a victim because he was eighteen years old at the time. Interviews with Employees #1, 2 and 6 confirmed that the incident was not reported to Adult Protective Services.</p> <p>The record contained no evidence of the SOR or the follow up as required per the policy.</p> <p>Evidence of two letters written in Spanish by Employee #10 was found in Client # 10 file. The letters were signed, but not dated. The English translation provided by the agency, at the surveyor's request, was not coherent. A translation of the letter into English, by a health facility surveyor interpreter, revealed that the caregiver had witnessed ongoing physical abuse of Client #9 and 10, by their mother, for at least two months. The letter stated, "These children are going to die at any day because the mother gives hits that are so hard."</p> <p>The letters written by Employee # 10, the PCA, revealed that she told Employee #2, the administrative designee, that she was concerned that she would lose her job if she tried to intervene during the witnessed abuse. No date of this communication was in the document. The caregiver was unavailable for interview.</p> <p>During a telephone interview on on 3/3/11 at 10:15 am with Employee #2 she stated that the report of abuse that Employee #10 made was called in to the agency on 6/18/10 and that the letter in the client's file was written on 6/21/10 at her request. She stated that she was unaware of any abuse before receiving the verbal report from</p>	P 080			

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P 080	Continued From page 4 Employee #6 on 6/18/10. Based on review of reports, policy and procedure review and staff interviews from 2/23/11 to 3/14/11, the agency failed to follow their policy for documentation and mandatory reporting. This would have ensured that any suspected incidents of abuse, neglect or exploitation involving the clients of the agency would be reported to the administrator and the proper authorities for 2 of 10 Clients. 1. The policy defines abuse, neglect or fraud as a "Major Incident". The policy and procedure states, "When an event occurs, an Incident Report is completed by personnel aware of the occurrence. If the occurrence involves a client, chart precisely the necessary information on the client's record." The procedure includes a method for forwarding the report to the manager for review, countersignature and follow-up. The information in the reports is to be used to track "patterns over time" for improvements in care and prevention of recurrence. All Incident Reports will be filed by the month. The file will contain the original Incident Report, follow-up report and the interventions taken to prevent a recurrence." On request, The agency failed to produce a document, per the policy, to be used for Incident Reports or any evidence that tracking and follow-up methods have been employed. Severity: 2 Scope: 3	P 080			
P 230	Section 16.1(a-i) Personnel File Sec. 16. 1. A separate personnel file must be kept for each attendant of an agency and must include, without limitation:	P 230			

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P 230	<p>Continued From page 5</p> <p>(a) The name, address and telephone number of the attendant;</p> <p>(b) The date on which the attendant began working for the agency;</p> <p>(c) Documentation that the attendant has had the tests or obtained the certificates required by NAC 441A.375;</p> <p>(d) Evidence that the references supplied by the attendant were checked by the agency;</p> <p>(e) Evidence of compliance with NRS 449.179 by the administrator of the agency or the person licensed to operate the agency with respect to the attendant;</p> <p>(f) Proof that, within 6 months after the attendant began working for the agency, the attendant obtained a certificate in first aid and cardiopulmonary resuscitation issued by the American National Red Cross or an equivalent certificate approved by the Health Division;</p> <p>(g) Proof that the attendant is at least 18 years of age;</p> <p>(h) Proof of possession by the attendant of at least the minimum liability insurance coverage required by state law if the attendant will be providing transportation to a client in a motor vehicle; and</p> <p>(i) Documentation of all training attended by and performance evaluations of the attendant.</p> <p>This STANDARD is not met as evidenced by: Based on record review and staff interview, the agency failed to ensure files contained the required documentation for 13 of 13 employees.</p> <p>1. The agency failed to include documentation of the required by NAC 441A.375 for of 13 employees reviewed as follows:</p>	P 230			

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P 230	<p>Continued From page 6</p> <p>Employee #2 The file contained no evidence of a two step Tuberculin skin test or two consecutive annual skin tests.</p> <p>Employees #4 The file contained documented late annual tests more than 12 months apart.</p> <p>Employee #5 The file contained evidence of a positive Tuberculin skin test. The file contained no evidence of an X-ray to rule out active Tuberculosis or follow-up treatment by a physician.</p> <p>Employee #9 The file contained a positive PPD skin test and an x- ray that ruled out active Tuberculosis. The file contained no evidence of two consecutive annual reviews of symptoms of active Tuberculosis.</p> <p>2. Seven of thirteen records reviewed contain no evidence of an physical examination, signed by a physician, stating the employee is in a state of good health, free from active Tuberculosis and any communicable diseases in a contagious stage. (Employee #5, 6 and 8)</p> <p>3. Four of thirteen records reviewed revealed no evidence of a physical examination, signed by a physician, stating the employee is in a state of good health, free from active Tuberculosis and any communicable diseases in a contagious stage, done within six months prior to the date of hire. (Employees#3, 5, 6 and 8)</p> <p>4. Thirteen of thirteen employee files reviewed lacked evidence that the references supplied by the employee had been checked.</p> <p>5. Three of thirteen employees reviewed lacked</p>	P 230			

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P 230	Continued From page 7 evidence of copies of fingerprints in their files. Employees#1, 12, and 13. 6. The agency's policy and procedure regarding employee performance evaluation states, "Employee evaluations are to be provided at a minimum of once per year." An interview with the administrator on 2/24/11 in the AM confirmed that the date of hire is used to set the date for the annual review. Review of employee records revealed no evidence of performance evaluations by the anniversary date of hire. (Employees #1, 2, 6, 9 and 13) Severity: 2 Scope: 3	P 230			
P 270	Section 17.1 Supervisory Visits Sec. 17. 1. The administrator of an agency or his designee shall conduct supervisory home visits or telephone calls to the home of each client of the agency to ensure that quality personal care services are provided to the client. This STANDARD is not met as evidenced by: Based on record review, the agency failed to maintain evidence of supervisory home visits or telephone calls to the home of clients to ensure that quality personal care services are provided for 8 of 10 client records reviewed. (Client #1, 2, 3, 4, 5, 6, 7 and 10) Severity: 2 Scope: 3	P 270			
P 280	Section 17/1(2) Documentation of Supervision 2. Each supervisory visit and each telephone call	P 280			

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P 280	<p>Continued From page 8</p> <p>must be documented. The documentation must be dated and signed by the administrator or his designee. Each supervisory visit and each telephone call must consist of an evaluation of whether:</p> <p>(a) Appropriate and safe techniques have been used in the provision of personal care services to the client;</p> <p>(b) The service plan established for the client has been followed;</p> <p>(c) The service plan established for the client is meeting the personal care needs of the client;</p> <p>(d) The attendant providing personal care services to the client has received sufficient training relating to the personal care services that the attendant is providing to the client; and</p> <p>(e) It is necessary for the administrator or his designee to follow up with the attendant or client concerning any problems in the personal care services being provided to the client or the service plan established for the client that are identified as the result of the supervisory visit or telephone call.</p> <p>This STANDARD is not met as evidenced by: Based on review of records, policies and procedures and agency supervisory documentation, the agency failed to comply with the content requirements for supervisory home visits for ten of ten clients reviewed.</p> <p>1. No evidence of the required contents of the supervisory review were found in any of the agency's documentation.</p> <p>Severity: 2 Scope: 3</p>	P 280			

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P 290	Continued From page 9	P 290			
P 290	<p>Section 18 Attendant Qualifications</p> <p>Sec. 18. Each attendant of an agency must:</p> <ol style="list-style-type: none"> 1. Be at least 18 years of age; 2. Be responsible and mature and have the personal qualities which will enable him to understand the problems of elderly persons and persons with disabilities; 3. Understand the provisions of this chapter and chapter 449 of NRS; 4. Demonstrate the ability to read, write, speak and communicate effectively with the clients of the agency; 5. Demonstrate the ability to meet the needs of the clients of the agency; and 6. Receive annually not less than 8 hours of training related to providing for the needs of the clients of the agency. <p>This STANDARD is not met as evidenced by: Based on record review and interviews on 2/25/11 and 3/10/11, with Employee #1 and 2, the agency failed to ensure that their employees were able to demonstrate the ability to read, write, speak and communicate effectively with the clients of the agency for 1 of 13 employee files reviewed. (Employee # 10)</p> <p>1. Review of a report found in Client #10 file, written by employee #10, revealed it was written in Spanish. No English translation was included with the report. Employee #2 stated that Employee #10 wrote the report in Spanish because Spanish is her native language and she cannot communicate adequately in English. Employee #2 also stated that the agency does hire attendants that are Spanish speaking only and trains them using documentation in English. The trainer verbally translates into Spanish the</p>	P 290			

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P 290	Continued From page 10 information and competency test for the employees. Review of employee files, new hire documentation, training, policies and procedures revealed no evidence of a Spanish translation of any agency required documentation. An interview with the administrator confirmed that the agency has no documentation available in a Spanish translation and that all documents signed are written in English and verbally translated into Spanish as needed. Severity: 2 Scope: 1	P 290			
P 300	Section 19.1(a) Knowledge of Code Sec. 19. 1. Each attendant of an agency shall: (a) Obtain a working knowledge of the provisions of this chapter which govern the licensing of agencies before providing personal care services to the clients of the agency. The agency must provide a copy of those provisions to an attendant before the attendant may provide personal care services to the clients of the agency. This STANDARD is not met as evidenced by: Based on record review on 2/23/11 the agency failed to ensure the 13 of 13 employee files contained documentation that the employee understood the provisions of NRS 449.0021 and NRS 449 that apply to personal care attendants. Severity: 2 Scope: 3	P 300			
P 430	Section 20.1(2) Disclosure Statement	P 430			

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P 430	<p>Continued From page 11</p> <p>2. The written disclosure statement must include a description of and information concerning the personal care services offered by the agency, including, without limitation:</p> <p>(a) A statement which is easily understandable to the client indicating that it is not within the scope of the license of the agency to manage the medical and health conditions of clients should the conditions become unstable or unpredictable;</p> <p>(b) The qualifications and training requirements for the attendants who provide personal care services to the clients of the agency;</p> <p>(c) The charges for the personal care services provided by the agency;</p> <p>(d) A description of billing methods, payment systems, due dates for bills for personal care services and the policy for notifying clients of increases in the costs of personal care services provided by the agency;</p> <p>(e) The criteria, circumstances or conditions which may result in the termination of personal care services by the agency and the policy for notifying clients of such termination of personal care services;</p> <p>(f) Procedures for contacting the administrator of the agency or his designee during all hours in which personal care services are provided and the on-call policy of the agency; and</p> <p>(g) Information concerning the rights of clients and the grievance procedure of the agency.</p> <p>This STANDARD is not met as evidenced by: Based on record review and staff interview, the agency failed to provide disclosure statements to clients that included all mandated requirements.</p> <p>Review of the disclosure statement revealed no</p>	P 430			

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P 430	Continued From page 12 evidence of the following: 1. (a) A statement which is easily understandable to the client indicating that it is not within the scope of the license of the agency to manage the medical and health conditions of clients should the conditions become unstable or unpredictable; (b) The training requirements for the attendants who provide personal care services to the clients of the agency; (c) The charges for the personal care services provided by the agency and (d) A description of billing methods, payment systems, due dates for bills for personal care services and the policy for notifying clients of increases in the costs of personal care services provided by the agency. Based on record review, policy review and interview with Employee #1 on 2/24/11 the agency failed to follow their policy to provide a copy of the disclosure documents in Spanish for client's that communicate only in that language. 1. Review of the documents given to a new client revealed a policy that states, "If Spanish speaking, we will provide a Spanish packet for your records but will have you sign this packet." In an interview with Employee # 1 she stated that the agency did not have a a copy of the documents in Spanish. Severity: 2 Scope: 3	P 430			
P 480	Section 21.1(5) Written Client Rights Requirements 5. The written description of the rights of clients developed pursuant to subsection 4 must	P 480			

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STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: NVS5311PCA	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED 03/16/2011
NAME OF PROVIDER OR SUPPLIER HIGH CLASS PERSONAL CARE LLC			STREET ADDRESS, CITY, STATE, ZIP CODE 5000 W OAKEY STE E-1 LAS VEGAS, NV 89146		
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE	
P 480	<p>Continued From page 13</p> <p>include, without limitation, a statement that each client has the right:</p> <p>(a) To receive considerate and respectful care that recognizes the inherent worth and dignity of each client;</p> <p>(b) To participate in the development of the service plan established for the client and to receive an explanation of the personal care services provided pursuant to the service plan and a copy of the service plan;</p> <p>(c) To receive the telephone number of the Bureau which may be contacted for complaints;</p> <p>(d) To receive notification of any authority of the Health Division to examine the records of the client as related to the regulation and evaluation of the agency by the Health Division;</p> <p>(e) To receive from the agency, within the limits set by the service plan established for the client and within the program criteria, responses to reasonable requests for assistance; and</p> <p>(f) To receive information, upon request, concerning the policies and procedures of the agency, including, without limitation, the policies and procedures of the agency relating to charges, reimbursements and determinations concerning service plans.</p> <p>This STANDARD is not met as evidenced by: Based on record review the agency failed to provide all the required points of information in the written description of rights for 10 of 10 clients.</p> <p>1. Review of 10 client files revealed the following pieces missing from the required list of client rights:</p> <p>(a) To receive considerate and respectful care that recognizes the inherent worth and</p>	P 480			

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P 480	Continued From page 14 dignity of each client; (c) To receive the telephone number of the Bureau which may be contacted for complaints; (d) To receive notification of any authority of the Health Division to examine the records of the client as related to the regulation and evaluation of the agency by the Health Division; (f) To receive information, upon request, concerning the policies and procedures of the agency, including, without limitation, the policies and procedures of the agency relating to charges, reimbursements and determinations concerning service plans. Severity: 2 Scope: 3	P 480			
P 490	Section 22.1(1-2) Initial Client Screening Sec. 22. 1. The administrator of an agency or his designee shall conduct an initial screening to evaluate each prospective client ' s requests for personal care services and to develop a service plan for the client or to accept a service plan established for the client. 2. The initial screening and the development or acceptance of a service plan must be documented. The documentation must be dated and signed by the person who conducted the initial screening and developed or accepted the service plan. This STANDARD is not met as evidenced by: Based on record review and staff interview on 2/23/11, the agency failed to provide documentation that included the signature of the person who conducted the initial screening, and the signature of the person who developed or accepted the service plan for 10 of 10 clients.	P 490			

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P 490	Continued From page 15 1. An interview with the administrator and the administrator's designee on 3/23/22 revealed that the same document is used for the initial screening and the service plan. The form used by the agency is referred to as "Patient Profile and Intake". Review of this document revealed no evidence of a signature of the person conducting the initial screening or the date that it was completed. 2. An interview with the administrator and the administrator's designee on 3/23/22 also revealed that the Medicaid provided Service Plan is used to direct the client's care. Review of 10 client files revealed a lack of evidence that the Medicaid provided service plan had been reviewed or accepted by the administrator or the administrator's designee. Severity: 1 Scope: 3	P 490			
P 500	Section 22.1(3) Prior to Initiation of Services 3. The agency shall complete the following tasks before providing the personal care services outlined in the service plan established for the client and as often as necessary if the service plan is revised: (a) Evaluate whether the agency has sufficient resources and the capability to satisfy the requests of the client and to provide the client with the personal care services described in the service plan; (b) Review the service plan with the client, including, without limitation, the schedule for the provision of personal care services to the client, the procedure to follow if an attendant fails to provide personal care services in accordance with the service plan, the hiring and training policies of the agency, the responsibilities	P 500			

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P 500	<p>Continued From page 16</p> <p>of the agency, the procedure for filing a grievance or complaint and any personal care services that an attendant is prohibited from providing pursuant to section 23 of this regulation;</p> <p>(c) Review the procedure to be followed if an attendant does not appear for a scheduled visit and the procedure to be followed if an additional visit from an attendant is required;</p> <p>(d) Ensure that the personal care services requested by the client are services which assist the client with the activities of daily living; and</p> <p>(e) Ensure that the agency is coordinating the personal care services that it will be providing to the client with the care and services available to the client from other organizations and persons.</p> <p>This STANDARD is not met as evidenced by: Based on record review the agency failed to perform the following tasks before providing services to 10 of 10 clients.</p> <p>Review of 10 client files revealed no evidence the agency completed a review with the client of the following prior to providing services:</p> <ol style="list-style-type: none"> 1. A complete list of the hiring and training policies of the agency; 2. The responsibilities of the agency and 3. A complete and accurate list of the personal care services that an attendant is prohibited from providing pursuant to section 23 of this regulation. <p>Severity: 2 Scope: 3</p>	P 500			

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